
Virginia Office of Emergency Medical Services

Division of Trauma/Critical Care

Response to missing hospital and EMS medical records by trauma centers

At the September 5, 2013 Trauma System Oversight and Management Committee meeting the topic of not receiving Emergency Medical Services (EMS) medical records for trauma patients that you receive at your hospital either by EMS and/or in transfer from another hospital was discussed. Additionally, the topic of not receiving medical records from another hospital was also introduced.

The Division of Trauma/Critical Care wishes to close the loop on this long standing topic and this document will be utilized as a resource and made available to those who make this inquiry in the future.

Medical Records from a Transferring Hospital - The Virginia Department of Health's Office of Emergency Medical Services (VDH/OEMS) does not have purview over the lack of medical records sent from a transferring medical facility. We would recommend contacting the agency that manages compliance with EMTALA.

EMS Medical Records for Transport to a Transferring Hospital – An EMS agency is required by regulation to leave an EMS medical record at the hospital they transfer to. You may work with transferring hospitals to request this be included with the medical records that they send with the patient. The only provisions for who an EMS agency is required to provide an EMS medical record to include:

- Another EMS agency when transferring care from one agency to another,
- To a receiving hospital that they are directly transferring patient care to,
- To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § [32.1-116.1](#) and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;
- To law enforcement when the patient is in their custody,
- To the patient or their legal representative,
- Upon subpoena.

EMS Medical Records for Patients Where EMS Directly Transferred Care to Your Hospital - The following is the current EMS regulation regarding EMS crews leaving patient care documentation:

12VAC5-31-1140. Provision of patient care documentation.

“A. EMS personnel and EMS agencies shall provide the receiving medical facility or transporting EMS agency with a copy of the prehospital patient care report for each patient treated, either with the patient or before the transporting personnel leave the facility. Should EMS personnel be unable to provide the full prehospital patient care report prior to leaving the facility, EMS personnel shall provide an abbreviated documented report with the critical EMS findings and actions at the time of patient transfer and the full prehospital patient care report shall be provided to the accepting facility within 12 hours.

VDH/OEMS' internal policy is that either a paper EMS medical record is left at the hospital with the patient or the EMS medical record is available on-line within the State's Virginia Pre-Hospital Information Bridge (VPHIB) system at the time of patient transfer. A combination of an abbreviated form (we call short form) and a later provided full report is also acceptable.”

If the above is not followed, your only recourse is to submit a complaint to the VDH/OEMS. The complaint form has been placed on the OEMS Trauma Web page for your convenience at <http://www.vdh.virginia.gov/OEMS/Trauma/LinksDocuments.htm> please follow the instructions on the form of where to submit your complaint; the Division of Trauma/Critical is not responsible for EMS agency enforcement.

Prior to filing a complaint, please ensure internally that an EMS medical record truly was not left by the EMS crew and that it is not a matter of the EMS medical record not being incorporated into your hospital's medical record.



While it is the sole responsibility of the EMS agency to provide your hospital with an EMS medical record for all patients that they directly transfer care to your hospital; VDH/OEMS has provided some additional resources for your convenience. The VPHIB system has a hospital level access that allows hospitals to access the EMS medical record for patient's transferred directly between an EMS crew and your hospital. Hospital ED staff are provided with access to these records for five days and staff such as a trauma registrar that are part of a structured performance improvement program (i.e. within the hospital bylaws) are granted six months access.

There are limitations to this convenience. EMS agencies are required to submit to VPHIB within 30 days from the time the incident ended. EMS agencies are not required to use VPHIB as there method of fully documenting their EMS response. EMS agencies are only required to submit an extract of their medical record; though most do submit the whole EMS medical record. Real-time submission to VPHIB is not mandatory, but VPHIB offers the ability to submit real-time and most other software programs have the ability to submit in real-time. Real-time submission is optional and VDH/OEMS actively encourages this. We have begun requiring real-time submission when providing state grant funding for EMS patient documentation products.

There is no further redress than the above information. Changes to this process will need to be addressed by local/regional champions encouraging EMS system to use available technology that is optional, by providing public comment when future EMS regulations are open for public comment (currently no activity in this area), or through changes in legislation.

For questions or assistance with the VPHIB system visit <http://oemssupport.kayako.com>, e-mail Support@OEMSSupport.Kayako.com, or call (804)888-9149.

For questions or assistance for EMS enforcement call (804)888-9100 or toll free at 1-(800) 523-6019.